



Arizona Department of Weights and Measures *Vapor Recovery Alert No. 17*

CARB Executive Orders and Dispenser hose Length

January 4, 2007

It has come to the attention of the Department that there exists a conflict between the Department rules and the CARB Executive orders. The Department of Weights and Measures is issuing this *Vapor Recovery Alert* to inform the Registered Service Agency (RSA) community of the conflict and the Department's plan for enforcement. The conflict lies between R20-2-907(D)(11)(c) and CARB Executive order G-70-52AM. The Department uses G70-52AM as the basis for the determination of the hose configurations. Under Exhibit 10, note no. 6 states:

"The hose may not touch the island or the ground when not in use. In the case of a dogbone island where the wider island ends protect the hose from damage by vehicle tires, the hose may touch the vertical face of the dogbone island at the option of the local air pollution control district."

The Department's Vapor Recovery Regulations states:

" The owner or operator shall immediately stop using a stage II vapor recovery system or component if one or more of the following system or component defects occur:
(11)(c) ... or for a vacuum assist hose having more than 6 inches in contact with the ground;"

This could infer that you can have up to 6 inches in contact with the ground. This is in conflict with the CARB Executive Orders.

R20-2 907(B) Requires the owner or operator to operate the stage II vapor recovery system and associated components in compliance with the CARB certification and this rules.

The Department is in the process of conducting a rule change in order to correct this inconsistency between the rule and the executive order. Until this has been completed, the Department will continue to enforce based upon the executive order.

It has been and continues to be the position of the Department that the intent of the executive order should be met.